

Appeal Decision

Site visit made on 8 September 2016

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/W1905/W/16/3150524

164 Rye Road, Hoddesdon, EN11 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Antonia Fiori against the decision of Broxbourne Borough Council.
 - The application Ref, 07/15/0969/F dated 13 October 2015, was refused by notice dated 9 December 2015.
 - The development proposed is the erection of one 2-bedroom dwelling.
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Procedural Matter

1. The application describes the proposal as 'proposed new build'. This does not fully describe the nature of the proposal. This is however clear from the application plans and I consider that the proposal is accurately described in the Council's refusal notice as one 2-bed dwelling. I have determined the appeal on that basis.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are whether the proposal would, i) cause inconvenience for nearby residents from increased on-street parking resulting from inadequate off-road parking provision and/or, ii) afford prospective residents an inadequate standard of amenity because of limited floor area.

Reasons

4. The proposed dwelling would be a bungalow at the northern end of No 164's garden.

Parking

5. Vehicular access is proposed via Alder Close, a private road which terminates in a hammerhead turning area immediately to the west of the site. The single on-site parking space proposed would be alongside this hammerhead.
6. I read that the Council's parking standards as detailed in the Interim Policy for Residential Car Parking Standards (February 2011) require 2 parking spaces to be provided for a 2-bedroom dwelling. Even so, in dismissing a previous appeal for two 2 bedroom houses on land to the rear of 162 Rye Road in 2013

(APP/W1905/A/12/2187945) a previous Inspector commented that the parking standards were only a guideline and that one space per unit would be acceptable in that location. In 2014 another Inspector allowed an appeal relating to a proposal for one 2-bedroom detached bungalow on that same site (APP/W1905/A/14/2217111). In allowing the appeal the second Inspector said *"I agree with the previous Inspector that a single parking space for the size of the property would suffice given its location near to services and facilities"..* Significantly, the first Inspector had commented on the appellant's contention that, due to the sustainable location, the development would be acceptable without any parking provision. In response the Inspector said: *"However, without such spaces there is a potential for residents who, for convenience, would wish to park in proximity of the dwelling, to block or restrict the access road to the detriment of other users. In the circumstances, I consider some allocated parking spaces, in connection with the development, essential"*.

7. In the present case the Highway Authority have not objected to the proposal. They note that the level of provision fails to meet the Council's standards and that the parking space shown might in reality be difficult to access. They conclude that the arrangement might result in some overspill parking on Alder Close but they note that the Close is a private road over which the Highway Authority has no direct jurisdiction. They did not object to the proposal because the deficiency in the parking arrangements was *"not a matter which will affect the free and safe flow of traffic along any section of the adopted public highway"*.
8. A 1:100 ground floor plan submitted with the application shows a car parked alongside the proposed dwelling. The drawing does not show the adjoining hammerhead on Alder Close. In my judgement the relationship between the hammerhead, the side wall of the proposed dwelling and the parking space itself would make it difficult if not impossible to manoeuvre into the space. The difficulty would be greater than might be inferred from a comparison between the ground floor plan and the 1:500 site plan because the car shown on the ground floor plan is unusually small. In practice I consider that the space would effectively be unusable and that the proposed dwelling's occupants and any visitors would park on Alder Close causing inconvenience to residents of that road and their visitors. In this context I agree with my colleague's comment in his 2013 decision letter that allocated parking spaces are essential.
9. Although the amount of additional on-street parking generated by this one proposal would be limited, allowing this appeal would make it more difficult for the Council to require off-street parking provision in other locations, with the result that the original harm would be compounded. Although I am aware that there is no objection to the proposal from the Highway Authority this is explicitly tied to Alder Close's status as a private road which is not part of the adopted highway network.
10. I have no indication that the appellant has secured a vehicular right of way to the site over the private Alder Close. I also read that the appellant would need to cross a 'ransom' strip of land owned by the Council to the north and west of the site. I have no indication that consent to cross this land has either been sought or granted. Both these considerations raise further doubt over the feasibility of forming an effective on-site parking space.

11. I conclude that the proposal development would make inadequate provision for off-road parking leading to inconvenience for nearby residents. It therefore conflicts with the objectives of saved policy T11 in the Borough of Broxbourne Local Plan Second Review (December 2005) and is unacceptable.

Internal Floor Area

12. In the appeal decision allowing a 2-bedroom detached bungalow at 162 Rye Road my colleague considered that a satisfactory level of internal accommodation could be achieved. I read in the officer's report that the internal dimensions and layout of the bungalow now proposed are similar to those of the bungalow allowed at No 162. The Council point to the subsequent publication of the Department of Communities and Local Government's (DCLG) Technical Housing Standards in March 2015. The approximately 56 sq m internal floor area of the proposed bungalow falls significantly below the 70 sq m requirement for a 2-bedroom 4-person dwelling in these national standards. However, the Written Ministerial Statement of 25 March 2015 makes it clear that the DCLG standards can only be applied where there is a relevant current local plan policy. In the absence of such a policy the standards do not carry significant weight in my decision.

13. Since the new national standards are the only basis for the Council's objection under this heading I do not consider that the appeal should fail on this ground. This does not however change my finding that the proposal is unacceptable because of the failure to provide a usable off-road parking space.

George Arrowsmith

INSPECTOR